**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITION No.18517 OF 2007**

**DATED: 31-08-2007**

**BETWEEN**

I. Perayya Sastry @ Chittibabu,
S/o. Jagannadha Sastry,
R/o. H.No.4-1-51, Bhupayya
Agraharam, Amalapuram,
East Godavari District.

...PETITIONER

**AND**

The Superintendent of Police,
East Godavari District, Kakinada
and two others.

...RESPONDENTS

**ORDER:**

Petitioner submits that he is the owner of a residential house along with open site admeasuring Ac.1.43 cents situated at Bhupayya Agraharam, Amalapuram Village, East Godavari District and that there are certain civil disputes seeking partition of the said property.

He further submits that his cousin filed a suit in O.S.No.556 of 2004 on the file of the Principal Junior Civil Judge, Amalapuram, seeking partition and the same is pending. He further submits that he also filed a suit in O.S.No.408 of 2006 before the same Court seeking permanent injunction and the same is pending.

2. The petitioner submits that while things stood thus, with the help of the local politicians some persons have trespassed into the property along with

60 supporters armed with deadly weapons on 13.08.2007 and demolished the part of his property and threatened them to vacate the premises. The said action was informed to the third respondent for taking appropriate action but no action has been taken. When the said persons again came to his house on 20.08.2007 and warned him with dire consequences, he issued telegram on 20.08.2007 but the concerned Station House Officer has not taken any action. Therefore, he seeks a Writ of Mandamus to declare the action of the respondents in not taking any action on his complaint to protect his life and lives of his family members as illegal and arbitrary and to direct the respondents to give protection to their lives and property.

3. Insofar as the civil disputes with regard to the property in question are concerned, I am of the opinion that the police cannot give any protection as it is for the petitioner or other persons to settle their civil disputes before the appropriate civil Court. Insofar as the prayer to direct the respondents to take appropriate action on the complaint is concerned, I do not see any written information being furnished by the petitioner before the respondents. However, if any written information is furnished by the petitioner alleging that a cognizable offence has been committed and if the concerned SHO fails to register a case, it is open for the petitioner to file a complaint under Section 190 read with Section 200 of the Code of Criminal Procedure, before the concerned Magistrate. Therefore, in view of the remedy available to the petitioner, I am not inclined to entertain the writ petition.

The writ petition is accordingly dismissed with a liberty to the petitioner to avail the remedy to protect his life and property by settling the civil disputes before the appropriate civil Court and to set criminal law in motion by filing a private complaint before the concerned Magistrate. There shall be no order as to costs.

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V. ESWARAIAH, J

August 31, 2007
DSK